

I, Nataliya ....., being duly sworn, depose and say:

1. I was born on May 5, 19.., in the city of Lipetsk, Russia.

2. I first came to the United States as an exchange student, on June 27, 1999. On December 12, 2001, I filed an application for adjustment of status with the government agency then known as the U.S. Immigration and Naturalization Service (INS), based on my marriage to U.S. citizen Heriberto ....., and as a result I was assigned the alien registration number A.. ... ..

3. I currently reside at .... Brighton ... St., Apt. 1, Brooklyn, N.Y. 11235. My telephone number is 646/...-.....

4. I am making this affidavit in support of my pending application for permanent resident status. More specifically, I am making this affidavit in support of the I-360 Petition that I am filing concurrently with this affidavit, as the self-petitioning spouse of a U.S. citizen, with the government agency that has replaced the former INS with respect to the processing of adjustment of status cases, including the processing of I-360 petitions, namely the U.S. Citizenship and Immigration Services (USCIS). The filing of an I-360 petition has become necessary because the man I married became abusive during the course of our marriage and ultimately abandoned me. As a result, USCIS issued a decision, a copy of which is attached hereto as Exhibit 1 and made a part hereof, addressed to my husband and dated December 1, 2003, denying the I-130 Petition that he filed on my behalf, on the basis of his abandonment thereof.

5. The history of my travels between my native country and the United States is as follows. As mentioned above, my first visit to the U.S. commenced on June 27, 1999. I had been a good student at the Union of Lipetsk Teacher's

Training University (also known as Lipetsk State Teachers University), specifically its Cross-Cultural Studies Department, and came here as an exchange student to learn more about the American way of life and to improve my knowledge of the English language. As part of the exchange program, I had been offered, and had accepted, a kitchen job at the Catholic camp known as Camp ..... in the town of ....., New Hampshire. This was a highly enjoyable and educational experience. I met many interesting people from all over the world; I saw that this international mixture of cultures and nations that exists in the U.S. is one of the reasons this country is so strong. I was very impressed with the international culture, the high level of technology, and the great variety of interests that people here have. In September of 1999, I returned to Russia to continue my studies.

6. In January of 2000, the director of Camp ....., Brother Jim, invited me to come back to the Camp, this time as a tennis instructor. I gladly accepted this invitation, and so returned to the U.S., again as an exchange student, on June 16, 2000. While providing tennis instruction to the young boys there, I also acted as their counselor generally, responsible for their supervision. I assisted Mr. Timothy M. .... and his wife Barbara in counseling these young boys, who lived in a cabin on the Camp grounds. Timothy and Barbara and I then became so close as a result of that counseling experience that, when the time came for me to return to Russia, they asked me to stay with them as a member of their family. I felt I could not accept that generous invitation, because I had not completed my college studies.<sup>1</sup> But then Timothy said that his family lived near the ..... Community College, in ....., New York, and that he would help me to enroll in that College as an international student. This was a very exciting development for me, that I could remain in the U.S. while continuing to educate myself in the

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<sup>1</sup> More specifically, at this time I was enrolled in two college programs. In the daytime, I was continuing to study in the Cross-Cultural Department of the Union of Lipetsk Teacher's Training University (a/k/a Lipetsk State Teachers University). At night, I had begun an additional course of studies at the Union of Lipetsk Financial and Economic University(a/ka/ Russian Institute of Economics and Finance), majoring in management and marketing.

fields of study I had begun studying in Russia. I did indeed enroll in this College and attended all the classes available to me that were relevant to my interests.

7. Unfortunately, in September of 2000, when the time came to extend my visa, and Timothy went with me the administrative office of the College, we found out that it would be prohibitively costly for me to enroll in the kind of program that would enable me to obtain the visa extension. We were shocked by this news. Much to my dismay, I had no choice but to discontinue my studies. I was so depressed by this unexpected turn of events that I decided it was best for me to not to return to Russia immediately, with such an unhappy conclusion to my stay, and that I should remain here instead for awhile. My parents obtained for me an approved leave of absence from the two Universities in Lipetsk that I had been attending. To keep busy and feel useful, I began working as a childcare worker at the ..... Extended Day Program, in ....., N.Y. An original reference letter from the Director of that Program, Ms. Karen ....., is attached to this affidavit as Exhibit 2 and made a part hereof. I used my weekends to take advantage of the opportunity to explore this amazing country, visiting Niagara Falls and Washington, D.C. In addition, I had the opportunity to travel with the entire ..... family to Disney World in Orlando, Florida: Timothy was an instructor at the ..... School, and he and Ms. .... took gifted children from the school's chess team to Orlando, to participate in a national chess championship tournament that was taking place in that city. An original letter of reference from Mr. .... is attached to this affidavit as Exhibit 3 and made a part hereof.

8. In January of 2001, I moved to the city of my dreams, New York. This was the first time in my life that I had to live on my own and I had to struggle a lot. I had to change roommates, apartments, and jobs several times. In May of 2001 I found a challenging, but rewarding, job as a waitress at the ..... Diner, in the Sheepshead Bay area of Brooklyn, N.Y. I received on-the-job training for six weeks, then began to work as a waitress, officially and independently (without needing supervision), on July 9, 2001. A very friendly bunch of people worked at ....., both my co-workers and managers, so I was quite happy, even though the

job entailed my working the most difficult shift, the night shift, from 9:00 p.m. to 7:00 a.m. An original letter of reference from Mr. Peter ....., the owner of ....., is attached to this affidavit as Exhibit 4 and made a part hereof.

9. Two weeks after I started working at ....., I met a really nice man (at least that is what I thought at the time), who eventually became my husband, Heriberto ....., who called himself Roberto. He used to come to the Diner with his Russian friend Maxim (Max), and sit in my section of tables. As I waited on Roberto, he would compliment me a lot, saying that I was cute and polite and beautiful, all of which I found very flattering. Max told me that Roberto liked me very much, but I didn't have to be told. Roberto and Max always left me very generous tips. Roberto told me he that he was coming to the restaurant much more often than he had before, because he wanted to see me. Soon enough he asked me on a date and I gladly accepted. We started dating regularly, and Roberto always treated me respectfully and graciously. Whenever I had a day off from work, he would take me out to Broadway shows or movie theatres, and to fancy restaurants. We were happy together; I fell in love with him. My friends knew about my good relationship with Roberto and were happy for us. Roberto treated me great, always bringing me flowers, toys, and various other gifts.

10. In August of 2001 I rented a large furnished room in the home of Lyudmila and Leva ....., at .. Brighton ..th Place, Brooklyn, N.Y. 11235. In September, with the permission of the ....., Roberto moved into my room and began living with me. A few months later, when he asked me to be his wife, I felt on top of the world. I thought my life was going to be the same as it had been when I was growing up in Russia, when I was privileged to enjoy the warmth and security of a loving family. On November .., 2001, Roberto and I got married at the City Hall in ....., New York. For the two witnesses required by law, Roberto brought his friend Max and I brought my friend Jane. Later that day we all celebrated at the Gambrinus Restaurant, on Brighton Beach Avenue in Brooklyn.

11. Although our marriage began quite happily, there were tensions and conflicts between us even before we got married, tensions and conflicts that I choose to ignore and continued to ignore because I loved Roberto and wanted our relationship and marriage to work. For example, my parents wanted very much to attend the wedding of their only child, but Roberto made no effort to help them obtain the visas that would enable them to attend. He claimed that sponsoring my parents would be too expensive, and I did not know if that was true, but when I gave his explanation to my parents they did not accept it and did not think well of him. Generally, however, the first month of our marriage was a happy time, with us getting along well. Unfortunately, additional tensions and conflicts emerged. For example, most of my friends were native Russian speakers and I, with my limited English and with my reservoir of nostalgia for my country of birth, found it comforting and comfortable to talk with them in Russian. Roberto, however, became very uncomfortable during such conversations. He was annoyed, even angry, whenever a Russian friend telephoned and Roberto happened to pick up the phone and my friend would begin speaking in Russian. He became quite paranoid about these telephone conversations, to the point of falsely accusing me of talking with my friends in Russian so that we could talk about him without his even knowing. He didn't want to understand that these were just friends, and that he was the only romantic interest I had ever had (he knew that, at my age of 21, he was the first man in my life, so he should have known better than to think of me as promiscuous). He checked all my cellphone statements and called up any new numbers he saw there, to see to whom they belonged. He even went so far as to forbid me to write letters in Russian to my friends.

12. Our relationship began to unravel, on account of Roberto's completely unjustified jealousy. He became suspicious of me constantly, checking and questioning my every move. He wanted me to wear only loose fitting, baggy clothes, and no make-up, so that I would be less attractive, and specifically less attractive to men. He hated my waitress job, especially the fact that I worked the night shift, because he thought that I must have a lot of men visiting me there, to flirt with me just as he had. One Sunday morning – I remember the day very well,

January 6, 2002, for reasons that will become clear – when I came back from work in the morning, Roberto was very nasty to me. He started cursing me and calling me a bitch; he claimed to have witnessed my writing down the phone number of one of my customers (this was not true at all). I was frightened by Roberto, having never seen him get so angry. He then left our room to go to work. I was so nervous that I couldn't sleep all day and went back to work that night without any sleep. The next morning, January 7, after an exhausting shift at work on account of my weariness and anxiety, I went to the Boardwalk of Brighton Beach, just to sit there and consider what I could do to make things better between Roberto and me. I was very, very upset that the person to whom I felt closest in this whole country could curse me without a reason. I sat on the Boardwalk like that, crying and miserable, oblivious of the time and the weather, for what turned out to be five hours on a very cold day.

13. After that ordeal on the Boardwalk, I went back to the room I shared with Roberto, in order to change into my waitress uniform and go to work. Ordinarily, Roberto would come back from his job between 7:00 p.m. and 8:00 p.m., so that we would have an hour together before I left for work. This time, he did not show up. I tried calling him on his cellphone but he did not answer. That night I could hardly do my job, and all my co-workers saw how stressed out I was. I couldn't eat, and I couldn't handle conversations with my customers, whereas I usually had plenty of energy and was friendly with the customers. My manager, seeing that I did not feel well, told me to go home early. When I came home, I saw that Roberto was still not home.

14. I got into a panic. I was not feeling well anyway, and Roberto's not being home just made me frantic. I called my good friend Katsiaryna (Katya) ....., to let her know what was going on and to seek her advice. Luckily, she happened to be off from work that day, January 8, 2002 and invited me to her home. A few hours after I came to her home, I suddenly got an intense pain in my stomach. Katya called Roberto and left him a message about the situation and then called a car service that picked us up and took us the emergency room of ..... Hospital,

at .... .., in Brooklyn, N.Y. Katya kindly stayed with me for hours in the emergency room, while I waited to be treated. The doctor who finally checked me out concluded that I appeared to have developed an abdominal infection, probably as a result of the weakening of my immune system by overexposure to the bitter cold weather on the Boardwalk. The infection posed a serious danger to my health and the doctor put me on an intravenous drip of antibiotics. A request by my attorney, Oscar Abraham Jaeger, for a certified copy of my ..... Hospital records, is attached to this affidavit as Exhibit 5 and made a part hereof. A certified copy of the Hospital records is attached to this affidavit as Exhibit 6 and made a part hereof.

15. When I got home from the hospital, it was 11:00 p.m. and Roberto was still not home. He finally showed up at 3:00 a.m., drunk. I asked him if he still loved me, seeing how neglectful he had been, and he said that he had been with friends, that he was sorry about having neglected me, and that of course he still loved me. When he asked me to forgive him, I did, as I still loved him very much.

16. Despite these warning signs, I naively believed that my marriage could be saved and that my relationship with Roberto could return to its original happiness. I thought it would improve matters if Roberto and I found our own apartment, with more space, instead of living crowded together all the time in a single furnished room, and Roberto agreed. In April of 2002 we moved into a nice one-bedroom apartment at .... Brighton ... St., Apt. #1, Brooklyn, N.Y. 11235 (this is the apartment that I continue to live in now). We bought some new furniture and electronic equipment, so we could have fun listening to music and watching TV together. Knowing that Roberto disliked my waitress job in every way, including the night hours of my job which kept us from being together in the evenings when he would return from work, I decided to quit my job, which I did in June of 2002. I really believed that my being at home more, while I looked for a job with more normal hours, and cooking for Roberto, and relaxing with him in the evenings, would bring us closer. This did not happen. Roberto kept late

hours; worse, there were days he would not come home at all, and when he would finally return he would not even explain where he had been.

17. I couldn't stand what was happening between Roberto and me. I was lonely and sad, and at the same time anxious. I did not feel like talking with anyone; had little appetite; was always tired, yet could not sleep; and was generally miserable. I began to have a low opinion of myself, figuring that the situation must be my fault, and thinking that I was not good enough for Roberto (I realize now, of course, that he was the one who was not good to, and not good enough, for me). All I felt like doing was going to bed and never waking up. Seeing my depression just made Roberto angry. He would curse me because I was out of work and was not contributing to the payment of our rent and other bills. He wanted me to find a new job right away, but a good job is not that easy to find. Despite my depression, I had in fact been looking steadily for work. Roberto knew all this, so his criticism of me, particularly the intensity of it, was unfair.

18. In October of 2002, I found a good job, training to be a TMJ (temporomandibular joint) technician. I worked for ..... Management, Inc., a dental diagnostic and pain management corporation managed by Ilana ..... and Stanley ....., at .... Coney Island Avenue, in Brooklyn, N.Y. An original letter of reference from Mr. .... is attached to this affidavit as Exhibit 7 and made a part hereof. .... contracted with medical facilities in the N.Y. City area to provide a variety of pain management services, including those services for which they had trained me. As a dental technician, my job required me to travel to these various facilities in order to do on-site testing. I liked this new job very much but Roberto was still not happy with it. He said that only "bitches" could enjoy traveling to different offices every day, meeting new people (by which he meant: men) everyday. He said that I must enjoy the job because it encouraged me to "move my butt" in front of different doctors and patients all the time. At that point I saw that Roberto could not be reasoned with and I gave up my hope of saving our marriage.

18. In addition, at this time a good friend of mine, a classmate from Russia named Oleg, was visiting the United States for a couple of months. He was mostly visiting a friend of his in another state, but towards the end of his trip he wanted to visit New York, and telephoned me to ask if he could stay with Roberto and me for a couple of weeks. Oleg and I had been classmates and friends since we were 7 years old, and Roberto and I had room in our apartment to put him up, so I very much wanted to say tell him yes. I knew how helpful it could be to have a friend accompany you or otherwise guide you when you come as a stranger to a new city, in a foreign country at that. But when I broached the subject with Roberto, explaining that Oleg and I were just friends and that he was a happily married man who had no romantic interest in me and vice versa, Roberto got very jealous, and was even furious that I could even ask. For the first time in our marriage, Roberto hit me.

19. A few weeks later, on October 27, 2002, I went shopping for groceries, leaving Roberto in the apartment. When I returned, Roberto was gone, along with most of his belongings. I knew that this was the end of our relationship and felt terrible, but I also knew that I could not change anything. Actually, the one thing I could change, I did: I changed the locks to the door of our apartment, to make myself feel more secure. Since Roberto showed me that he was capable of beating me up, I knew I could not trust him anymore. I was lonelier than ever. On the bright side, and to my relief, Oleg called again, and this time I told him that, since Roberto and all his objections were gone, Oleg was welcome to visit me. Oleg came and stayed with me for a few weeks, in accordance with the original plan to which Roberto had so violently objected, so at least I had the company of my dear friend shortly after Roberto pulled what I thought would be his final disappearing act.

20. Roberto, however, may well have been the one with additional tricks up his sleeves. During the daytime, on both November 13 and November 14, 2002, while I was away at work, my apartment was burglarized. The thief or thieves had entered through the courtyard windows. The jewelry I had was taken; so were my

credit cards, my TV, VCR, camera, and some other stuff. I filed a police report each time with my local precinct, the 60th. An original of the November 13, 2002 police report is attached to this affidavit as Exhibit 8 and made a part hereof (Oleg was visiting me at this time, and he is the “roommate” mentioned in this report). An original of the November 14, 2002 police report is attached to this affidavit as Exhibit 9 and made a part hereof. The police surmised that only someone who knew me quite well, knew when I was home and when I was not home, would be brazen enough to rob my home on two consecutive days. When I told the police about the problems I’d recently had with Roberto, they said that he was a logical suspect. Confirming this suspicion was the fact that, when Roberto abandoned me, he had left behind his favorite compact discs, and these were now all gone, whereas all of my compact discs, which consisted of a kind of music that he never liked very much, were still in the apartment.

21. I changed jobs in July of 2003. Since that month, I have been working as an administrative assistant at the ..... Research Institute (....), at .... Coney Island Avenue, Suite ..., Brooklyn, N.Y. 11235. An original reference letter from Ms. Carey ....., the Regulatory Coordinator of Clinical Trials at ....., is attached to this affidavit as Exhibit 10 and made a part hereof. I like my job very much. Besides working in a friendly atmosphere in a psychiatric setting, another way that psychiatry has been beneficial to me is that, beginning in September of 2003, I have been receiving very helpful therapy from a psychiatrist, Dr. .... .., with offices at ... Quentin Road, Brooklyn, N.Y. 11223. Dr. .... has been treating me with a combination of medication (anti-anxiety and antidepressant drugs) and psychotherapy. The original of Dr. ....’s diagnostic evaluation of my condition, dated February 29, 2004 and addressed to my attorney, is attached to this affidavit as Exhibit 11 and made a part hereof.

22. My dear friend Katya (see paragraph 14 above) had always urged me to seek psychological counseling, but until recently I could not really afford it, and also I was so upset I did not believe that therapy could help me. Thanks to the therapy, I am starting to feel better. I understand that I have to love myself and

take good care of myself, mentally, emotionally, physically, and spiritually. I am working to overcome the disillusionment and sadness that Roberto left in his wake, and part of this effort has to do with understanding, and overcoming, the weaknesses in my character that Roberto was able to exploit. It is not an easy task, but at least I am restored to hope, whereas for a long time I had only despair.

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Nataliya .....

Sworn to before me this  
day of March, 2004

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Notary Public